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Docket Management Facility  
United States Department of Transportation  
400 Seventh Street, SW  
Nassif Building, Room PL-401  
Washington, D.C. 20590-0001

**Comments in Reference to:**

**Federal Motor Carrier Safety Administration docket No. FMCSA-97-2277: Safety Performance History of New Drivers**

The National Ready Mixed Concrete Association (NRMCA) is a national trade association representing producers of ready mixed concrete and those companies that provide materials and support to the industry. On behalf of NRMCA's more than 1,250 member companies, I ask that the following comments be included in Docket No. FMCSA-97-2277 regarding the safety performance history of new commercial motor vehicle drivers.

**Former Employers Required to Respond Within 30 Days**

While NRMCA is not opposed to this requirement, we are concerned that the proposed rule does not clearly place liability with former employers who do not respond to a prospective employer's request for information within 30 days.

**Keeping Documentation of a "Good Faith" Effort to Contact Previous Employers**

In 391.53, 2(e), "Good faith" is a vague term, open to many interpretations. Specific examples of "good faith" efforts would help eliminate any question about being in compliance.

**Investigation for the Past Three Years**

The proposed rule would require motor carriers to request information from all prior motor carriers for which the prospective employee worked over the past three years. With the high level of driver turnover involved in our industry, requesting information from prior employers in the last three years could involve numerous inquiries and the potential gaps in employment history also poses a problem. We recommend that employers should only have to investigate back to the most immediate former employer, if at all.

**Obtaining Accident Information**

Having to investigate accidents involving the driver within the preceding three years is also impractical. If the driver still has a valid commercial driver's license, that should be sufficient evidence of his or her driving record. Information from the previous employer should also reveal any recent major accidents.

**Giving Drivers an Opportunity to Review and Comment on the Information Received**

NRMCA believes that this requirement is unnecessary. If a driver has had a number of accidents, or violations of DOT rules, his or her comments are not likely to convince the prospective employer to make a hiring decision favorable to the prospective driver. Likewise, if there are no problems with the employee's

driving history, then there would be nothing on which he or she would need to comment. This requirement would only serve to slow the hiring process without providing any significant benefit.

### **Costs Versus Benefits of the Proposed Rule**

Although the proposed rule estimates that the associated costs would be minimal, NRMCA believes that they would be quite significant for our members. Having to re-design and re-print employment applications could create a significant financial burden for employers. The investment of time on behalf of company personnel is also of great concern. Having to send out inquiries to more employers, follow-up on the requests for which there is no response, and investigate accidents and review log books (hours of service) to respond to other employers' inquiries all require the time of driver supervisors and/or safety professionals or others on staff and, in fact, may require additional staff to be hired.

Thank you for the opportunity to comment on this supplemental notice of proposed rulemaking. If you need further information from NRMCA, please feel free to contact me at (240) 485-1150.

Sincerely,

A handwritten signature in black ink that reads "Julie R. Luther". The signature is written in a cursive style with a large, stylized 'J' and 'L'.

Julie R. Luther  
Senior Vice President of  
Government and Industry Relations